

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

*Wednesday, August 13, 2003
9:00 a.m.*

<p>Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court San Diego, California</p>

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, July 30, 2003, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, August 6, 2003 will not be provided to the Regional Board members and will not be considered by the Regional Board. *PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.*

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail should be submitted to: rbagenda@rb9.swrcb.ca.gov. Write the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, July 30, 2003.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of

order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting of June 11, 2003.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Consent Calendar: Items 5 through 12 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)

5. Modification to Waste Discharge Requirements: Frank and Janice Mendenhall, Lake Henshaw Resort, Inc., San Diego County (change in owner) (tentative Addendum No. 3 to Order No. 94-03) (*Christopher Means*)
6. Modification to Waste Discharge Requirements: Mr. Charles J. Williams, Champagne Lakes RV Resort, San Diego County (change in owner) (tentative Addendum No. 1 to Order No. 94-21) (*Christopher Means*)
7. Modification to Waste Discharge Requirements: Northrop Grumman Space Technology and Mission Systems Corporation, Capistrano Test Site, Orange County (change in owner) (tentative Addendum No. 1 to Order No. 94-78) (*Jeremy Haas*)
8. Modification to Waste Discharge Requirements: Vail Lake Village & Resort LLC; Mr. Bill Johnson, Vail Lake Village & Resort, Riverside County (change in owner and facility name) (tentative Addendum No. 3 to Order No. 88-44) (*Eric Becker*)
9. Waste Discharge Requirements Update: Production and Purveyance of Recycled Water, City of San Clemente Water Reclamation Plant, Orange County (tentative Order No. R9-2003-0123) (*Bryan Ott*)
10. NPDES Permit Revision: Adding the San Diego County Regional Airport Authority as a Copermittee to the San Diego County MS4 Storm Water Permit (Tentative Addendum No. 1 to Order No. 2001-01) (*Phil Hammer*)
11. Administrative Assessment of Civil Liability with Mandatory Minimum Penalties against the City of San Diego for violation of effluent limits established by Order Nos. 95-25 and 2000-90, for a permanent groundwater discharge to San Diego Bay from the San Diego Convention Center. The Regional Board will consider comments received during the public comment period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2003-0286) (*Rebecca Stewart*)
12. Administrative Assessment of Civil Liability with Mandatory Minimum Penalty against the

South Orange County Wastewater Authority for violation of effluent limitations established by Order No. R9-2000-0013 (NPDES No. CA0107417), for the discharge of treated wastewater to the Pacific Ocean through the San Juan Creek Ocean Outfall. The Regional Board will consider comments received during the public comment period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2003-0304) (*David Hanson*)

Remainder of the Agenda (Non-Consent Items):

13. NPDES Permit: U.S. Marine Corps Base Camp Pendleton, Wastewater Treatment Plant Nos. 1, 2, 3 & 13, Discharge to the Pacific Ocean via the Oceanside Ocean Outfall, San Diego County (tentative Order No. R9-2003-0155, NPDES Permit No. CA0109347) (*Chiara Clemente*)
14. NPDES Permit: Waste Discharge Requirements for IDEC Pharmaceuticals Corporation New IDEC Manufacturing Operations (NIMO), Oceanside, San Diego County (tentative Order No. R9-2003-0140, NPDES Permit No. CA0109193) (*Hashim Navrozali*)
15. NPDES Permit Renewal: Waste Discharge Requirements for U.S. Navy Graving Dock Located at Naval Station San Diego, San Diego Bay, San Diego County (tentative Order No. R9-2003-0265, NPDES Permit No. CA0107867) (*Paul Richter*)
16. **PUBLIC HEARING:** Administrative Assessment of Civil Liability against Ashby USA for violations of the State Board's General Construction Storm Water Permit Order No. 99-08-DWQ at its Roripaugh Ranch construction site in Temecula, California. If the discharger elects to waive their right to a hearing, the matter will be rescheduled to allow for a 30-day public review period at which time the Regional Board will consider assessment of civil liability. (Tentative Order No. R9-2003-0302) (*Rebecca Stewart*)
17. Settlement of Potential liability against Shea Homes for violation of SWRCB Order No. 99-08-DWQ, Waste Discharge Requirements for discharges of storm water runoff associated with the Kelly Core construction site located at Cannon Road and Faraday Avenue, Carlsbad in San Diego County. The Regional Board will consider accepting a proposed settlement for the liability in lieu of adopting an ACL. If the Regional Board decides to reject the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Resolution No. R9-2003-0253) (*Vicente Rodriguez*)
18. **PUBLIC HEARING:** Administrative Assessment of Civil Liability against Pioneer Builders for violations of the State Board's General Construction Storm Water Permit Order No. 99-08-DWQ, San Diego Region Basin Plan, and Cleanup and Abatement Order No. R9-2003-158 at the Castillo del Mar subdivision in Dana Point, California. If the discharger elects to waive their right to a hearing, the matter will be rescheduled to allow for a 30-day public review period at which time the Regional Board will consider assessment of civil liability. (Tentative Order No. R9-2003-0301) (*Rebecca Stewart*)
19. **PUBLIC HEARING:** Administrative Assessment for Civil Liability against Richmond American Homes for failure to pay annual fees for enrollment in the State Board's General Construction Storm Water Permit No. 99-08-DWQ in violation of California Water Code section

13260 for the sites listed below. If the discharger elects to waive their right to a hearing, the matter will be rescheduled to allow for a 30-day public review period at which time the Regional Board will consider assessment of civil liability. (*Vicente Rodriguez*)

- a. Sunbow Phase 2A/B in Temecula (tentative Order No. R9-2003-0287)
 - b. Barcelona Classics in Wildomar (tentative Order No. R9-2003-0288)
 - c. San Marcos site (tentative Order No. R9-2003-0289)
 - d. Tract No. 28753 Rancho Bella Vista in Temecula (tentative Order No. R9-2003-0290)
 - e. Portion of Murietta Hotsprings in Temecula (tentative Order No. R9-2003-0292)
 - f. Richmond American in Rancho Bernardo (tentative Order No. R9-2003-0293)
20. Waste Discharge Requirements: California Dept. of Parks and Recreation, Crystal Cove State Park, El Morro Trailer Park, Orange County (tentative Order No. R9-2003-0228) (*Victor Vasquez*)
 21. **PUBLIC HEARING:** Cease and Desist Order, California Dept. of Parks and Recreation, Crystal Cove State Park, El Morro Trailer Park, Orange County (tentative Order No. R9-2003-0285) (*Victor Vasquez*)
 22. Status Report: City of San Diego, Water Recycling Program (*David Hanson*)
 23. *Executive Session* - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:
People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al., United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61; and the related “Surfrider” case:

Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al., Case No. 99-CV-2441-BTM(JFS)

Rakhra Groups, Inc., v. San Diego Regional Water Quality Control Board Superior Court of California, San Diego County; Case No. GIC 776251 and Case No. GIC 786516

San Diego BayKeeper and Surfrider Foundation, San Diego Chapter v. City of San Diego; U.S. District Court, Southern District of California; Case No. 01-CV-0550-B (POR)
 24. *Executive Session* - Consideration of Initiation of Litigation
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
 25. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.
 26. *Executive Session* - Personnel

The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]

27. Arrangements for Next Meeting and Adjournment
Wednesday, September 10, 2003 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

- A. The Regional Board issued Addendum No. 1 to Cleanup and Abatement Order No. 2001-371 to ExxonMobil on June 18, 2003. The addendum limits the number of monitoring wells from which samples must be analyzed for polynuclear aromatic hydrocarbons (PAH). (*Barry Pulver*)
- B. The Regional Board issued Addendum No. 5 to Cleanup and Abatement Order No. 99-26 to Mr. and Mrs. Ernest Moretti on June 18, 2003. The addendum requires the discharger to submit a workplan for the installation of additional vapor extraction wells, to install the wells, and to incorporate them into the existing system. The addendum also requires the submittal of copies of permits from other agencies needed for the installation of the wells, and adds requirements to the monitoring program to report on the well installation and performance of the vapor extraction system. (*Barry Pulver*)
- C. On October 8, 2003, the Regional Board is scheduled to consider tentative Addendum No. 4 to Order No. 97-11: "General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Hazardous and Nonhazardous Waste Landfills". The tentative addendum will: a.) add the San Pasqual Burn Ash site to the General Order, and b) transfer responsibility for compliance with the Order to dischargers identified for the Rainbow Canyon Landfill and the Naval Training Center Landfill (aka NTC/MCRD landfill) (*Brian McDaniel*).
- D. 30-day Public Notice of Settlement of Civil Liability: Ryland Homes of California, Inc
On June 5, 2003, the Executive Officer issued Complaint No. R9-2003-0162 Administrative Assessment for Civil Liability in the amount of \$158,350 against Ryland Homes of California, Inc. for violation of Water Code sections 13376, 13267, and 13383, and State Board Order No. 99-08-DWQ, (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. On July 24, 2003, Ryland submitted a written settlement offer to that was accepted by the Executive Officer for consideration by the Regional Board. The settlement includes Ryland: paying \$88,850 to the State Water Resource Control Board for deposit into the Cleanup and Abatement Account, a commitment to comply with the State General Storm water permit at all of its' sites within the Region now and in the future, and to waive its right to petition this matter.

Interested Parties may comment on this settlement during the 30-day comment period ending on August 30, 2003. The Regional Board will consider whether to accept settlement of these matters at its scheduled August 13, 2003 meeting. Complete details of the proposed settlement can be found on the Regional Board web site or by contacting Frank Melbourn of the Regional Board at (858) 467-2973 or melbf@rb9.swrcb.ca.gov.